

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

UNITED STATES OF AMERICA,	:	
	:	
Plaintiff,	:	Case No. 3:22-CR-070
	:	
vs.	:	Judge Michael J. Newman
	:	
DAVY G. HART	:	
	:	
Defendant.	:	

SENTENCING MEMORANDUM

Now comes the Defendant, Davy G. Hart, by and through undersigned counsel, and hereby respectfully submits this Memorandum for the Court's consideration. The following facts and information support a sentence of three years of probation in this matter. Mr. Hart is a first-time offender with no criminal history. He is a caring father who suffers from a myriad of physical and emotional issues. (PSR at ¶¶ 51-57). He has accepted responsibility, and he is prepared to meet his restitution obligation to the USPS. He is not a danger to the community, nor does he need a custodial sentence to deter him from re-offending.

There is no dispute over the advisory guideline range of 10-16 months (Base Offense 12; Crim Hist. I). Respectfully, the Court should vary from the guidelines just one level to 8-14 months (Base Offense 11; Crim Hist. I). This places him in Zone B of the advisory sentencing guidelines. Such an advisory range authorizes a term of probation, which is sufficient in this case. Pursuant to the plea agreement, the government *does not oppose a non-custodial sentence*. (Plea agreement provision 7b. filed at docket #10). Mr. Hart has been on an own recognizance bond without any issues.

Attached are a number of letters for the Court's consideration. The first letter is from

Mr. Hart himself. Also attached are letters from; his daughter, Alyssa Hart, his mother, Penny Vallance, and friends, Joyce Ewart and Peter Livoti.

Respectfully, a three-year probationary sentence is appropriate given all the factors of sentencing. Mr. Hart is gainfully employed, and he has accepted responsibility for his actions. Importantly, he has looked inward to understand the causes for his actions and has a strong support system moving forwards.

Respectfully submitted,

s/Thomas W. Anderson, Jr.
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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing document was filed electronically. Notice of this filing will be sent by operation of the Court's electronic filing system to all parties indicated on the electronic filing receipt. Parties may access this filing through the Court's electronic filing system.

s/Thomas W. Anderson, Jr.
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